

Press ReleaseNational Labor Relations Board Office of the General Counsel

June 30, 2010

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Petition filed for health care election between unions in California *Unit covers more than 40,000 Kaiser employees throughout the state*

A union has filed a petition with the National Labor Relations Board seeking an election involving more than 40,000 California health care employees who currently belong to another union.

The petition was filed yesterday in the Agency's Los Angeles office (Region 21) by the National Union of Healthcare Workers, which was founded in early 2009 by former local officers of United Healthcare Workers West (UHW), affiliated with the Service Employees International Union (SEIU). UHW currently represents the employees, who are employed by Kaiser Permanente and affiliated health care providers in the state.

NLRB Acting General Counsel Lafe Solomon has ordered that the petition be transferred to the Oakland Regional Office (Region 32) for reasons of administrative efficiency. "Over the past year, Region 32, together with Region 20 in San Francisco, has handled the majority of cases arising from the dispute between NUHW and UHW. Oakland's resources, experience, and familiarity with the players in this dispute make it the logical choice to manage this enormous and significant case," he said. NLRB regulations give the General Counsel the power to transfer cases from one region to another whenever "it appears necessary in order to effectuate the purposes of the Act, or to avoid unnecessary costs or delay."

Last year, NUHW filed an election petition covering the same bargaining unit with the Oakland office. That petition was dismissed, and no election was held, after Regional Director Alan Reichard and the Board concluded that the existing collective-bargaining agreement between Kaiser and UHW prevented the holding of an election under the Board's "contract bar" doctrine. The recent filing is a renewal of last year's effort.

In several related cases involving smaller bargaining units, UHW and Kaiser are contending that an election can't be held because of a contract bar. That issue is currently being litigated and a decision is expected soon which could have implications for the larger unit.

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.

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